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EXAMINER

PYZOCHA, MICHAEL J

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2137

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/919,248
Filing Date: July 31, 2001
Appellant(s): BICKFORD ET AL.

MAILED

DEC 04 2006

Technology Center 2100

Jack P. Friedman
Reg. No. 44,688
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/05/2006
appealing from the Office action mailed 06/09/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20030009698	LINDEMAN et al.	1-2003
20020016824	LEEDS	2-2002
6760752	LUI et al.	7-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. Claims 8-9, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindeman et al (US 20030009698).

As per claim 8, Lindeman discloses an authentication method for electronic mail, comprising the steps of: receiving, by a recipient, electronic mail from an originator (see paragraphs 83 and 98); responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail; responsive to determining that the authentication key is expected to be present, determining whether an authentication key is present;

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and responsive to determining that the authentication key is not expected to be present, accepting the electronic mail (see paragraphs 83-84 and 103-106).

As per claim 9, Lindeman discloses an authentication method for electronic mail, comprising the steps of: receiving, by a recipient, electronic mail from an originator (see paragraphs 83 and 98); responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail; responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present; responsive to determining that the authentication key is not present, rejecting the electronic mail (see paragraphs 103-106); responsive to determining that the authentication key is present, determining whether the authentication key is associated with the originator, responsive to determining that the authentication key is associated with the originator, accepting the electronic mail, and responsive to determining that the authentication key is not associated with the originator, rejecting the electronic mail (see paragraphs 83-84 and 101-103).

As per claim 13, Lindeman discloses an authentication method for electronic mail, comprising the steps of: receiving,

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by a recipient, the electronic mail from an originator, the electronic mail having been previously prepared for sending from an originator to the recipient (see paragraphs 83 and 98); responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail; responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present; and responsive to determining that the authentication key is not present in the open field of the electronic mail, rejecting the electronic mail (see paragraphs 103-106).

As per claim 14, Lindeman discloses an authentication method for electronic mail having a subject line, comprising the steps of: receiving, by a recipient, the electronic mail from an originator the electronic mail having been previously prepared for sending from an originator with a source identifier to the recipient with a destination identifier (see paragraphs 83 and 98); responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail; responsive to determining that the authentication key is not expected to be present, accepting the electronic mail; responsive to determining that the authentication key is expected to be present, determining

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whether the authentication key is present; responsive to determining that the authentication key is present, determining whether the authentication key is associated with both the originator and the recipient; responsive to determining that the authentication key is determined to be associated with both the originator and the recipient, accepting the electronic mail; responsive to determining that the authentication key is determined not to be associated with both the originator and the recipient, rejecting the electronic mail; and responsive to determining that the authentication key is not present, rejecting the electronic mail (see paragraphs 83-84, 103-106 and figures 5-7).

Claim Rejections - 35 USC § 103

2. Claims 3-5, 15, 17-18 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Lindeman in view of Leeds (US 20020016824).

As per claim 3, Lindeman discloses an authentication method for electronic mail, comprising the steps of: preparing electronic mail for sending from an originator to a recipient (see paragraphs 98 and 101); including an authentication key in an open field of the electronic mail (see paragraph 31); and

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sending the electronic mail from the originator to the recipient.

Lindeman fails to disclose storing and reading an authentication key associated with an originator in a memory of the originator.

However, Leeds teaches such storing and reading of an authentication key (see paragraphs 36 and 37).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store and read the authentication key of Lindeman from memory.

Motivation to do so would have been to determine when email is junk email (see paragraph 36).

As per claim 4, the modified Lindeman and Leeds system discloses the open field is the subject line (see Lindeman paragraphs 29 and 31).

As per claim 5, the modified Lindeman and Leeds system discloses the authentication key associated with the originator is further associated with the recipient (see Lindeman paragraph 31).

As per claims 15, 17-18 and 20, the modified Lindeman and Leeds system discloses the authentication key is dependent upon only an identity of the originator (see Leeds paragraphs 36 and 37).

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3. Claims 6-7, 10-11, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Lindeman and Leeds system and further in view of Liu et al (US 6760752).

As per claims 6 and 11, the modified Lindeman and Leeds system discloses an authentication method for electronic mail, comprising the steps of: storing an authentication key in a memory of a recipient of the electronic mail (see Leeds paragraph 37); receiving, by a recipient, electronic mail from the originator (see Lindeman paragraphs 83 and 98); responsive to receiving the electronic mail, determining whether an authentication key is present in an open field of the electronic mail; responsive to determining that the authentication key is present, determining whether the authentication key is associated with the originator (see Lindeman paragraphs 83-84 and 101); and responsive to determining that the authentication key is not associated with the originator rejecting electronic mail; wherein said determining whether the authentication key is associated with the originator includes reading the stored authentication key and comparing the stored and received authentication keys (see Lindeman paragraphs 83-84, 102 and 103 and Leeds paragraphs 36-37).

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The modified Lindeman and Leeds system fails to disclose the address at which the key is stored is dependent upon a source identifier that identifies the originator.

However, Liu et al teaches such addressing (see column 19 line 57 through column 20 line 14).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the authentication key of the modified Lindeman and Leeds system in an address dependent upon a source identifier of the originator.

Motivation to do so would have been store the information in a recovery database (see Liu et al column 19 line 57 through column 20 line 14).

As per claim 7, the modified Lindeman, Leeds and Liu et al system discloses the open field is the subject line (see Lindeman paragraph 29 and 31).

As per claim 10, the modified Lindeman, Leeds, and Liu et al system fails the memory has a flag for determining whether and authentication key is expected.

However, Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to use a flag. Motivation to do so would have been that there are only two possible outcomes.

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As per claims 16 and 19, the modified Lindeman, Leeds and Liu et al system discloses the authentication key is dependent upon only an identity of the originator (see Leeds paragraphs 36 and 37).

(10) Response to Argument

Claims 8-9 and 13-14 anticipated by Lindeman et al.

Claim 8

With respect to claim 8, the claimed "authentication key" is anticipated by the CZID of Lindeman described in paragraph 31 of Lindeman and the "open field" is anticipated by the subject field of Lindeman paragraphs 83 and 100.

Appellant argues that Lindeman fails to disclose, "responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail; responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present" because Appellant's claimed invention requires two distinct tests (determining whether an authentication key is expected to be present and determining if the authentication key is present).

With respect to Appellant's argument, Lindeman discloses "responsive to receiving the electronic mail, determining

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whether an authentication key is expected to be present in an open field of the electronic mail" in figure 7 where a new message arrives at number 702 and in 704 a determination is made as to whether the a tunnel password is present. Where if the tunnel password is present, no CZID is expected to be present, while if the tunnel password is not present the CZID is expected (see also paragraphs 98-100). Furthermore the CZID is expected to be in the subject of the email (see paragraph 100). Next, Lindeman discloses "responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present" in figure 7 numbers 704 and 708 where a check is made if the CZID is present in the message after the determination is made as to whether the tunnel password is present. Therefore, the determination of whether the CZID is present in the open field is made in response to the determination that the CZID is expected to be present based on a lack of the tunnel password.

With respect to Appellant's argument that Lindeman does not have the two distinct tests, as discussed above, first Lindeman determines if the tunnel password is present (i.e. determining whether an authentication key is expected to be present) and in response to there not being a tunnel password determining if the

CZID is located within the subject of the email (i.e. determining if the authentication key is present).

Appellant also argues that Lindeman fails to disclose, "responsive to determining that the authentication key is not expected to be present, accepting the electronic mail."

With respect to Appellant's argument, when the tunnel password is present in the email message the email accepted and no CZID is expected to be present. Wherein leaving a message in the inbox is accepting an email message. Therefore, Lindeman discloses "responsive to determining that the authentication key is not expected to be present, accepting the electronic mail."

Claim 9

With respect to claim 9, the claimed "authentication key" is anticipated by the CZID of Lindeman described in paragraph 31 of Lindeman and the "open field" is anticipated by the subject field of Lindeman paragraphs 83 and 100.

Appellant argues that Lindeman fails to disclose, "responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail; responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present" because

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Appellant's claimed invention requires two distinct tests (determining whether an authentication key is expected to be present and determining if the authentication key is present).

With respect to Appellant's argument, Lindeman discloses "responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail" in figure 7 where a new message arrives at number 702 and in 704 a determination is made as to whether the a tunnel password is present. Where if the tunnel password is present, no CZID is expected to be present, while if the tunnel password is not present the CZID is expected (see also paragraphs 98-100). Furthermore the CZID is expected to be in the subject of the email (see paragraph 100). Next, Lindeman discloses "responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present" in figure 7 numbers 704 and 708 where a check is made if the CZID is present in the message after the determination is made as to whether the tunnel password is present. Therefore, the determination of whether the CZID is present in the open field is made in response to the determination that the CZID is expected to be present based on a lack of the tunnel password.

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With respect to Appellant's argument that Lindeman does not have the two distinct tests, as discussed above, first Lindeman determines if the tunnel password is present (i.e. determining whether an authentication key is expected to be present) and in response to there not being a tunnel password determining if the CZID is located within the subject of the email (i.e. determining if the authentication key is present).

Appellant also argues that Lindeman fails to disclose, "responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present, responsive to determining that the authentication key is not present, rejecting the electronic mail."

With respect to Appellant's argument, when the tunnel password is not present in the email message the CZID is expected to be present and this presence is determined in figure 7 number 708. When the CZID is not present in the message, the sender is checked against trusted and blacklisted senders. When the sender is not found among the trusted or blacklisted senders the message is moved to the pending folder (step 736), since this pending folder is not the inbox the message is not accepted. Also if the sender is found among the blacklisted senders the messages is again not sent to the inbox, but rather

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the blacklist folder so the message is not accepted. Therefore, Lindeman discloses "responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present, responsive to determining that the authentication key is not present, rejecting the electronic mail."

Appellant also contends that that determining that the authentication key is expected to be present and determining that the authentication key is not present are sufficient conditions for rejecting the electronic mail and that the CZID is not a sufficient condition for rejecting the electronic mail. However, Appellant's have not claimed that only the two determining steps are needed to reject an electronic mail. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim 13

With respect to claim 13, the claimed "authentication key" is anticipated by the CZID of Lindeman described in paragraph 31 of Lindeman and the "open field" is anticipated by the subject field of Lindeman paragraphs 83 and 100.

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Appellant argues that Lindeman fails to disclose, "responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail; responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present" because Appellant's claimed invention requires two distinct tests (determining whether an authentication key is expected to be present and determining if the authentication key is present).

With respect to Appellant's argument, Lindeman discloses "responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail" in figure 7 where a new message arrives at number 702 and in 704 a determination is made as to whether the a tunnel password is present. Where if the tunnel password is present, no CZID is expected to be present, while if the tunnel password is not present the CZID is expected (see also paragraphs 98-100). Furthermore the CZID is expected to be in the subject of the email (see paragraph 100). Next, Lindeman discloses "responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present" in figure 7 numbers 704 and 708 where a check is made if the CZID is present in the

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message after the determination is made as to whether the tunnel password is present. Therefore, the determination of whether the CZID is present in the open field is made in response to the determination that the CZID is expected to be present based on a lack of the tunnel password.

With respect to Appellant's argument that Lindeman does not have the two distinct tests, as discussed above, first Lindeman determines if the tunnel password is present (i.e. determining whether an authentication key is expected to be present) and in response to there not being a tunnel password determining if the CZID is located within the subject of the email (i.e. determining if the authentication key is present).

Appellant also argues that Lindeman fails to disclose, "responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present, responsive to determining that the authentication key is not present, rejecting the electronic mail."

With respect to Appellant's argument, when the tunnel password is not present in the email message the CZID is expected to be present and this presence is determined in figure 7 number 708. When the CZID is not present in the message, the sender is checked against trusted and blacklisted senders. When

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the sender is not found among the trusted or blacklisted senders the message is moved to the pending folder (step 736), since this pending folder is not the inbox the message is not accepted. Also if the sender is found among the blacklisted senders the messages is again not sent to the inbox, but rather the blacklist folder so the message is not accepted. Therefore, Lindeman discloses "responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present, responsive to determining that the authentication key is not present, rejecting the electronic mail."

Appellant also contends that that determining that the authentication key is expected to be present and determining that the authentication key is not present are sufficient conditions for rejecting the electronic mail and that the CZID is not a sufficient condition for rejecting the electronic mail. However, Appellant's have not claimed that only the two determining steps are needed to reject an electronic mail. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Claim 14

With respect to claim 14, the claimed "authentication key" is anticipated by the CZID of Lindeman described in paragraph 31 of Lindeman and the "open field" is anticipated by the subject field of Lindeman paragraphs 83 and 100.

Appellant argues that Lindeman fails to disclose, "responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail; responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present" because Appellant's claimed invention requires two distinct tests (determining whether an authentication key is expected to be present and determining if the authentication key is present).

With respect to Appellant's argument, Lindeman discloses "responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail" in figure 7 where a new message arrives at number 702 and in 704 a determination is made as to whether the a tunnel password is present. Where if the tunnel password is present, no CZID is expected to be present, while if the tunnel password is not present the CZID is expected (see also paragraphs 98-100). Furthermore the CZID is expected

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to be in the subject of the email (see paragraph 100). Next, Lindeman discloses "responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present" in figure 7 numbers 704 and 708 where a check is made if the CZID is present in the message after the determination is made as to whether the tunnel password is present. Therefore, the determination of whether the CZID is present in the open field is made in response to the determination that the CZID is expected to be present based on a lack of the tunnel password.

With respect to Appellant's argument that Lindeman does not have the two distinct tests, as discussed above, first Lindeman determines if the tunnel password is present (i.e. determining whether an authentication key is expected to be present) and in response to there not being a tunnel password determining if the CZID is located within the subject of the email (i.e. determining if the authentication key is present).

Appellant also contends that that determining that the authentication key is expected to be present and determining that the authentication key is not present are sufficient conditions for rejecting the electronic mail and that the CZID is not a sufficient condition for rejecting the electronic mail. However, Appellant's have not claimed that only the two

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determining steps are needed to reject an electronic mail.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant also argues that Lindeman fails to disclose, "responsive to determining that the authentication key is not expected to be present, accepting the electronic mail."

With respect to Appellant's argument, when the tunnel password is present in the email message the email accepted and no CZID is expected to be present. Wherein leaving a message in the inbox is accepting an email message. Therefore, Lindeman discloses "responsive to determining that the authentication key is not expected to be present, accepting the electronic mail."

Appellant argues that Lindeman fails to disclose, "determining whether the authentication key is associated with both the originator and the recipient." However, the CZID, as described in paragraph 31, is used to authenticate the source email address (i.e. originator) and destination email address (i.e. recipient). The determination step is performed in figure 7, step 710 where the CZID is authenticated.

Appellant argues that Lindeman fails to disclose, "responsive to determining that the authentication key is

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associated with both the originator and the recipient, accepting the electronic mail." However, when an authenticated CZID is a user confirmation request the request is sent to the inbox and therefore the email is accepted (see figure 7, steps 712 and 714; paragraph 101).

Appellant argues that Lindeman fails to disclose, "responsive to determining that the authentication key is not associated with both the originator and the recipient, rejecting the electronic mail." However, when the authentication (i.e. the determination) is performed in step 710 of figure 7, no more processing can be performed on the message unless the CZID is authenticated because the further processing requires an authenticated CZID (see paragraphs 101-103). Since the message with an unauthenticated CZID cannot be accepted it is therefore rejected.

Claims 3-5, 15, 17-18, and 20 unpatentable over Lindeman in view of Leeds

Claims 3-5 and 15

With respect to claim 3, Appellant argues that Leeds fails to disclose, "an authentication key associated with an originator." However, as described in paragraph 36 of Leeds, "Users of the present invention would be provided with an

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authentication code certifying that they are not known spammers." Also, in paragraph 37, "the users would each register...and their e-mail program would be assigned a unique identification code." And further in paragraph 37, the unique code is sent with the "From:" identifier to be verified. Since each user, each email program has a unique authentication code and the code is used to verify the originator of the email, Leeds teaches an authentication key associated with an originator.

Appellant also argues, with respect to claim 3, that the authentication key of Leeds is not stored or read from memory of the originator. However, for a user and email program to include the unique codes in a message, they each must be stored in memory of the originator and thereafter read from the same memory.

Appellant further argues that Leeds teaches away from a combination with Lindeman because the authentication key of Leeds is stored in a database used by an authenticator. However, as discussed above, the authentication key is stored in the memory of the originator (as well as a database used by the authenticator). Therefore, the motivation of determining when email is junk mail (see Leeds paragraph 36) is valid and the rejection under 35 USC 103(a) is proper.

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With respect to claim 15, Appellant argues that no motivation has been provided to show the limitation of, "wherein the authentication key is dependent upon only an identity of the originator." However, this motivation is the same motivation as provided in the rejection of claim 3, as to determine when email is junk email.

Appellant argues, with respect to claim 15, that combining of Leeds' teaching of an authentication key dependent upon only an identity of the originator with Lindeman would destroy the CZID of Lindeman because the CZID is not dependent upon an identity of the originator. However, each reference is related to the authentication of email protect a system from spam/junk email. Therefore, each invention is related to the particular problem being solved by Appellant's invention; see *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Furthermore, Lindeman is concerned with authenticating the message, the sender, and the recipient using the CZID and Leeds teaches an authentication key only dependent upon an identity of the originator. Creating a CZID dependent upon only the identity of the originator would not destroy the Lindeman reference because the authentication of the message and the recipient can be performed by other well-known cryptographic methods, such as digital signatures.

Claims 17-18 and 20

Appellant argues, with respect to claim 15, that combining of Leeds' teaching of an authentication key dependent upon only an identity of the originator with Lindeman would destroy the CZID of Lindeman because the CZID is not dependent upon an identity of the originator. However, each reference is related to the authentication of email protect a system from spam/junk email. Therefore, each invention is related to the particular problem being solved by Appellant's invention; see *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Furthermore, Lindeman is concerned with authenticating the message, the sender, and the recipient using the CZID and Leeds teaches an authentication key only dependent upon an identity of the originator. Creating a CZID dependent upon only the identity of the originator would not destroy the Lindeman reference because the authentication of the message and the recipient can be performed by other well-known cryptographic methods, such as digital signatures.

Claims 6-7, 10-11, 16, and 19 unpatentable over Lindeman in view of Leeds and further in view of Liu.

Claims 6-7 and 16

With respect to claim 6, Appellant argues, Liu fails to teach the key being stored in a memory of a recipient of the electronic mail. However, Liu was not relied upon for a teaching of storing a key in a memory of a recipient. Liu was relied upon for the teaching of storing a key at an address that is dependent upon a source identifier that identifies an originator of an electronic mail. The combination of Lindeman and Leeds teaches storing an authentication key in a memory of a recipient of the electronic mail (see Leeds paragraphs 36 and 37 where each user and email program contain the unique identification/authentication code).

Appellant also argues that one of ordinary skill in the art would not have been motivated to combine Liu with Lindeman in view of Leeds. With respect to this argument at the time of the invention one of ordinary skill in the art would have been motivated to use the storing method of Liu in order to provide a recovery database as disclosed by Liu column 19 line 57 through column 20 line 14. The benefits of using a recovery database are also put forth in Liu as supporting the recovery of the private key of the user in the event the private key is lost or the signature phrase is forgotten. Therefore, the modification to add the recovery database to store the authentication key in Lindeman in view of Leeds is proper.

With respect to claim 6, Appellant also argues that Lindeman fails to teach the reading and comparing steps. However, Lindeman was not relied upon for teaching these limitations, they are taught by Leeds in paragraphs 36 and 37.

With respect to claim 16, Appellant argues that no motivation has been provided to show the limitation of, "wherein the authentication key is dependent upon only an identity of the originator." However, this motivation is the same motivation as provided in the rejection of claim 3, as to determine when email is junk email.

Appellant argues, with respect to claim 16, that combining of Leeds' teaching of an authentication key dependent upon only an identity of the originator with Lindeman would destroy the CZID of Lindeman because the CZID is not dependent upon an identity of the originator. However, each reference is related to the authentication of email protect a system from spam/junk email. Therefore, each invention is related to the particular problem being solved by Appellant's invention; see *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Furthermore, Lindeman is concerned with authenticating the message, the sender, and the recipient using the CZID and Leeds teaches an authentication key only dependent upon an identity of the originator. Creating a CZID dependent upon only the

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identity of the originator would not destroy the Lindeman reference because the authentication of the message and the recipient can be performed by other well-known cryptographic methods, such as digital signatures.

Claim 10

With respect to claim 10, Appellant argues that the Examiner has not addressed the specific limitations of claim 10. However, the limitation of claim 10 has been addressed with the use of Official Notice, which was relied upon to teach the use of a flag to indicate to indicate an authentication key is expected to be present, the remaining limitations have been taught by Lindeman in view of Leeds and further in view of Liu. Since Appellant did not traverse Examiner's use of Official Notice on the subsequent action the Official Notice statement is taken to be admitted prior art because Appellant failed to traverse the Examiner's assertion of Official Notice (see MPEP 2144.03).

Claim 11

With respect to claim 11, Appellant argues that Lindeman fails to teach the reading and comparing steps. However,

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Lindeman was not relied upon for teaching these limitations, they are taught by Leeds in paragraphs 36 and 37.

Claim 19

With respect to claim 19, Appellant argues that no motivation has been provided to show the limitation of, "wherein the authentication key is dependent upon only an identity of the originator." However, this motivation is the same motivation as provided in the rejection of claim 3, as to determine when email is junk email.

Appellant argues, with respect to claim 19, that combining of Leeds' teaching of an authentication key dependent upon only an identity of the originator with Lindeman would destroy the CZID of Lindeman because the CZID is not dependent upon an identity of the originator. However, each reference is related to the authentication of email protect a system from spam/junk email. Therefore, each invention is related to the particular problem being solved by Appellant's invention; see *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Furthermore, Lindeman is concerned with authenticating the message, the sender, and the recipient using the CZID and Leeds teaches an authentication key only dependent upon an identity of the originator. Creating a CZID dependent upon only the

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identity of the originator would not destroy the Lindeman reference because the authentication of the message and the recipient can be performed by other well-known cryptographic methods, such as digital signatures.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

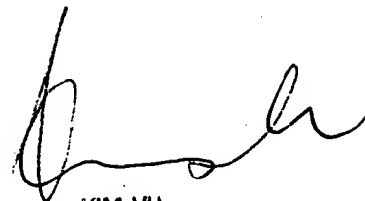
Respectfully submitted,

Michael Pyzocha *mpp*

Conferees:
Kim Vu *KV*

Christopher Revak

**CHRISTOPHER REVAK
PRIMARY EXAMINER**



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